

**REMARKS**

Claims 1-27 are pending in this application. By this Amendment, claim 1 is amended. Reconsideration in view of the above amendments and following remarks is respectfully requested.

The courtesies extended to Applicant's representatives by Examiner Patterson at the interview held October 24, 2003 are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

Claims 2-4 and 11-12 have been amended in the September 22, 2003 filed Amendment to overcome the 35 U.S.C. §112, second paragraph rejection set forth in the Office Action. It was agreed during the interview that these amendments obviate the grounds for the rejection. Accordingly, Applicants respectfully request that the §112, second paragraph rejection of these claims be withdrawn.

The Office Action rejects claims 1-22 and 25-27 under 35 U.S.C. §103(a) over Kimura et al. (European Patent No. 0842913) ('913) in view of Kimura et al (U.S. Patent No. 5,674,317) ('317). Applicants respectfully traverse this rejection.

Claim 1 is amended to make it even more clear that the double container has both an inner container and an outer container. As agreed during the personal interview, neither '913 nor '317 disclose or suggest a pyrolytic boron nitride double container having an inner container and an outer container for a source of molecular beams used in molecular beam epitaxy, comprising *inter alia* the outer container having an outer container transmissivity with respect to light having a wave number of  $26\text{ cm}^{-1}$  to  $6500\text{ cm}^{-1}$  and the inner container having an inner container transmissivity with respect to light having a wave number of  $2600\text{ cm}^{-1}$  to  $6400\text{ cm}^{-1}$ , wherein the inner container transmissivity is 90% or less of the outer container transmissivity, as recited in independent claim 1. Accordingly, Applicants assert

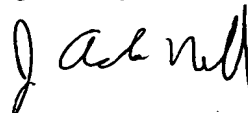
that claim 1 defines patentable subject matter. As such, Applicants respectfully request that the rejection of claim 1 and its dependent claims under 35 U.S.C. §103(a) be withdrawn.

Regarding the Restriction Requirement of the August 28, 2002 Office Action, as noted in Applicants' September 22 Amendment, every feature of claim 1 is included in each of claims 23 and 24. MPEP §821.04 states that "if the elected invention is directed to the product, and the claims directed to the product are subsequently found patentable, process claims which either depend from or otherwise include all of the limitations of the allowable product will be rejoined." (Emphasis in original). Thus, upon allowance of the product claims of group I, method claims 23 and 24 must be rejoined and examined.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-27 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: November 7, 2003

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